

REMARKS

Applicants have amended Claim 1 as discussed during the interview. Support for the term "biologically active" as used in amended Claim 1 is found on page 19, line 23 through page 20, line 9. Support for the term "labeled arrestin" as used in Claim 1 is found throughout the specification including page 31, line 23 through page 32, line 2. Similarly, support for the term "wherein the label is capable of indicating localization of the arrestin and the GPCR is capable of binding the arrestin" is also found throughout the specification. Claim 2 finds support in the specification on at least page 16, line 25 through page 18, line 24. Upon entry of the present amendment, claims 1 and 2 will be pending in the present application. The issues raised in the Official Action are addressed in the order presented.

Specification

The specification was objected to for antecedent basis for the term "arrestin protein." As discussed during the interview, the specification does define the term "arrestin" on page 12, lines 21-24. Moreover, applicants submit the attached declaration by Dr. Marc G. Caron, an inventor, indicating by reference to the literature that a variety of arrestins were known to those of ordinary skill in the art at the time the invention was made. Moreover, Dr. Caron explains that those of ordinary skill in the art reading applicants disclosure would be able to make labeled arrestin proteins in accordance with the present invention using a variety of arrestins known at the time the application was filed without undue experimentation. In view of the explicit reference to a variety of arrestins in the specification as originally filed as well as Dr. Caron's declaration, it is believed that the objection to the specification should be withdrawn.

Double Patenting

Although applicants disagree with the double patenting rejection, a terminal disclaimer over U.S. Patent No. 5,891,646 is attached in an effort to expedite prosecution.

Claim Rejections - 35 U.S.C. § 112

Claim 1 was rejected under 35 U.S.C. § 112, first paragraph, for a lack of written and description of the term "arrestin" and enablement of the same term. This rejection is respectfully requested withdrawn for all of the reasons set forth above concerning the objection to the specification.

Claim 1 was also rejected under 35 U.S.C. § 112, first paragraph, for a lack of enablement for failing to address the GPCR's ability to bind with the arrestin. This aspect of the rejection is obviated by the amendment to claim 1 including "...and the GPCR is capable of binding the arrestin."

The term "detectable molecule" was also rejected for a lack of enablement and indefiniteness. As agreed upon at the interview, the term detectable molecule has been deleted thus obviating the rejection. The amended claims are directed to labels known to those of skill in the art described at length in the specification. See for example page 16, line 25 through page 18, line 24 and page 31, line 24 through page 32 line 1.

In view of the above, applicants respectfully request withdrawal of all of the rejections under 35 U.S.C. § 112.

Respectfully submitted,

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, on 3/26/03
Date
Donnie S. Dietrich
(Typed or printed name of person signing the certificate)
Donnie S. Dietrich
(Signature of person signing the certificate)
March 26, 2003
(Date of Signature)

Attachment to Amendment
Marked Up Copy of Claim 1 and New Claim 2
as submitted with Response of 3/26/03

1. (amended) A substrate having deposited thereon a plurality of cells, said cells expressing at least one GPCR and further comprising a biologically active labeled arrestin protein and wherein the label is capable of indicating localization of the arrestin and the GPCR is capable of binding the arrestin [containing a conjugate comprising an arrestin protein and a detectable molecule].
2. (new) The substrate having deposited thereon a plurality of cells of claim 1, wherein the label is green fluorescent protein, β -galactosidase, or luciferase.